

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
(FORT WORTH DIVISION)**

NEXTGEAR CAPITAL, INC. AND AUTOMOTIVE FINANCE CORPORATION,	§	Case No. 4:20-cv-00959-BJ
	§	
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	§	
Plaintiffs,	§	
	§	
	§	
V.	§	
	§	
	§	
DRUIEN, INC. D/B/A LAWTON AUTO AUCTION A/K/A LAWTON CACHE AUTO AUCTION, LISA DRUIEN, MICHAEL VERNON GARRISON D/B/A ROCK HILL USED CARS, AND EMMETT DRUIEN,	§	
	§	
	§	
	§	
	§	
	§	
	§	
Defendants.	§	
	§	
	§	

**DEFENDANT EMMETT DRUIEN'S MOTION
TO VACATE ORDER OF DEFAULT**

COMES NOW, the Defendant Emmett Druien, and moves the Court to Set-Aside Clerk's Entry of Default pursuant to Fed. R. Civ. P. 55(c) "for good cause", and based on:

- 1) STATEMENT OF FACTS RE: GOOD CAUSE TO SET ASIDE ENTRY OF DEFAULT (filed concurrently herewith),
- 2) ANSWER OF EMMETT DRUIEN TO PLAINTIFF'S COMPLAINT, AND AFFIRMATIVE DEFENSES, (filed concurrently herewith),
- 3) RESPONSE TO MOTION (ECF No. 88, Entered 04-23-2021)
- 4) PLAINTIFFS' SECOND AMENDED COMPLAINT (ECF No. 79, filed 03-25-2021)

Defendant, Emmett Druien has made the required showing of “good cause” under Fed. R. Civ. P. 55 (c) for his late filing of his answers to Plaintiff’s Complaint, and accordingly, the Clerk’s Entry of Default should be set aside.

Respectfully submitted,

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